

Board of Prison Terms Hearing Transcript
13 September 2005

EXHIBIT A

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life)
Term Parole Consideration)
Hearing of:)

CDC Number E-81550

JAIME MIJANGOS)
_____)
_____)

**INMATE
COPY**

CORRECTIONAL TRAINING FACILITY

SOLEDAD, CALIFORNIA

SEPTEMBER 13, 2005

PANEL PRESENT:

Ms. Susan Fisher, Presiding Commissioner
Ms. D.H. McBean, Deputy Commissioner

OTHERS PRESENT:

Mr. Jaime Mijangos, Inmate
Ms. Kateria E. Rutledge, Attorney for Inmate
Mr. Jack Delavigne, Deputy District Attorney,
Los Angeles County
Correctional Officer, Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

No

Yes

See Review of Hearing
Transcript Memorandum

Judy K. Farncomb
Reporting

Peters Shorthand

INDEX

	<u>PAGE</u>
Proceedings.....	1
Case Factors.....	7
Pre-Commitment Factors.....	21
Post-Commitment Factors.....	34
Parole Plans.....	26
Closing Statements.....	59
Recess.....	63
Decision.....	64
Adjournment.....	69
Transcriber Certification.....	70

--oOo--

1 P R O C E E D I N G S

2 DEPUTY COMMISSIONER McBEAN: Okay, we're
3 on record.

4 PRESIDING COMMISSIONER FISHER: All
5 right. Do me a favor before we get started and
6 pronounce your last name for me.

7 INMATE MIJANGOS: Mijangos.

8 PRESIDING COMMISSIONER FISHER: Mijangos.
9 I wanted to make sure that I'm saying it right.
10 Okay. This is going to be a Subsequent Parole
11 Consideration Hearing for Jaime Mijangos, CDC
12 Number E-81550. Today's date is 9/13/05. We
13 are located at Correctional Training Facility,
14 at Soledad. The inmate was received on 3/27,
15 I'm sorry, 1/9/91, from Los Angeles County. His
16 life term began on 3/27/92, and the minimum
17 eligible parole date is 6/25/02. The
18 controlling offense for which the inmate has
19 been committed is second-degree murder, Case
20 Number BA019784. Count One, Penal Code
21 Section 187. There was a finding in that Count
22 of the use of a firearm. That's Penal Code
23 Section 12822.5. There was also a Count Two,
24 which was assault with a deadly weapon, Penal
25 Code Section 245A1, and also with a finding of
26 great bodily injury, which is Penal Code
27 Section 12022.7, both of those were stayed. The

1 inmate received a term of 18 years to life.
2 Once again the minimum eligible parole date is
3 6/25/02. And we are going to tape-record today.
4 So, for the purpose of voice identification for
5 the transcriber, we are each going to say our
6 first and last names, spelling our last name.
7 When I get to you, I need your CDC number. All
8 right.

9 INMATE MIJANGOS: Do I say it now?

10 PRESIDING COMMISSIONER FISHER: No, I'm
11 going to start with myself and go this way.
12 Okay, starting with myself and going to my left,
13 Susan Fisher, F-I-S-H-E-R, Commissioner.

14 DEPUTY COMMISSIONER McBEAN: D.H. McBean,
15 M-C-B-E-A-N, Deputy Commissioner.

16 DEPUTY DISTRICT ATTORNEY DELAVIGNE: Jack
17 Delavigne, D-E-L-A-V-I-G-N-E, Deputy District
18 Attorney, L.A. County.

19 ATTORNEY RUTLEDGE: Kateria E. Rutledge,
20 R-U-T-L-E-D-G-E, Attorney for Mr. Mijangos.

21 PRESIDING COMMISSIONER FISHER: Go ahead.

22 INMATE MIJANGOS: Jaime Mijangos,
23 M-I-J-A-N-G-O-S, CDC E-81550.

24 PRESIDING COMMISSIONER FISHER:

25 Ms. Rutledge, did you talk to Mr. Mijangos about
26 any ADA issues?

27 ATTORNEY RUTLEDGE: Yes. I don't think

1 knows of any, but he does have glasses, so his
2 ADA rights have been met.

3 **PRESIDING COMMISSIONER FISHER:** All
4 right. And I do want to know for the record
5 that on 8/9/04, Mr. Mijangos did sign a BPT 1073
6 form and stated that he has no disabilities. Is
7 that still right?

8 **INMATE MIJANGOS:** Yes.

9 **PRESIDING COMMISSIONER FISHER:** Okay, are
10 those reading glasses.

11 **INMATE MIJANGOS:** Yeah. No, I think it's
12 for --

13 **PRESIDING COMMISSIONER FISHER:** For
14 distance?

15 **PRESIDING COMMISSIONER FISHER:** All
16 right. Okay, this Hearing is being conducted
17 pursuant to Penal Code Sections 3041 and 3042,
18 and the Rules and Regulations of the Board of
19 Prison Terms that govern Parole Consideration
20 Hearings of and for life inmates. And, as you
21 know, the purpose of the Hearing today is to
22 consider your commitment offense, your prior
23 criminal and social history, and your behavior,
24 and your programming since you've been in prison
25 since this offense. We have had the opportunity
26 to review your files. I'm going to give you the
27 opportunity to make any corrections that you

1 need to today. All right. We are going to be
2 reaching a decision today whether or not we find
3 you suitable for parole. If we do find you
4 suitable, I'll explain to you today what the
5 length of your confinement will be. Prior to
6 recessing today, I'm going to give you and your
7 attorney, as well as the District Attorney, an
8 opportunity to make a final statement about your
9 suitability. I want to remind you that you are
10 not required today to admit or discuss the
11 offense, but that the Panel accepts the Findings
12 of the Court to be true. Do you understand
13 that?

14 **INMATE MIJANGOS:** Yes.

15 **PRESIDING COMMISSIONER FISHER:** Okay.

16 The California Code of Regulations states that
17 regardless of time served, a life inmate shall
18 be found unsuitable for and denied parole if, in
19 the judgment of the Panel, he would pose an
20 unreasonable risk of danger to society if
21 released from prison. You have rights related
22 to your Hearing that include the right to a
23 timely notice of the Hearing, the right to
24 review your Central File, and the right to
25 present relevant documents. Counselor, has your
26 client's rights been met?

27 **ATTORNEY RUTLEDGE:** Yes.

1 PRESIDING COMMISSIONER FISHER: All
2 right. You also have the right, Mr. Mijangos,
3 to an impartial Panel. Having seen your two
4 Panel members today, do you have any objection
5 to your Panel?

6 INMATE MIJANGOS: No I don't.

7 PRESIDING COMMISSIONER FISHER:
8 Counselor, any objections to the Panel?

9 ATTORNEY RUTLEDGE: None.

10 PRESIDING COMMISSIONER FISHER: Okay.
11 I'm going to give you a written copy of our
12 decision. It is going to be a tentative
13 decision. It will be effective within 120 days.
14 And then a copy of the decision and a copy of
15 the transcript of the Hearing is going to be
16 sent to you. Now, they changed the way that you
17 appeal Board decisions last year. And now all
18 appeals go directly to the Courts. So if you
19 need more information about that, your
20 correctional counselor should have it and it
21 also should be in the prison library. Would you
22 pass that down for me, please.

23 DEPUTY COMMISSIONER McBEAN: Uh huh.

24 PRESIDING COMMISSIONER FISHER: Thanks.
25 Do you have them all?

26 DEPUTY DISTRICT ATTORNEY DELAVIGNE: I
27 have them all, thank you.

1 PRESIDING COMMISSIONER FISHER: Thanks.

2 ATTORNEY RUTLEDGE: It's fine.

3 PRESIDING COMMISSIONER FISHER:

4 (indiscernible) office of direction, every time.

5 ATTORNEY RUTLEDGE: A bad habit.

6 PRESIDING COMMISSIONER FISHER: Is there
7 anything that needs to be submitted?

8 ATTORNEY RUTLEDGE: No. I would just
9 ask, did you receive any Certificates since the
10 last Hearing? I don't see any in the file.

11 INMATE MIJANGOS: No. I'm not a student
12 but I'm still working with like computers
13 (indiscernible).

14 ATTORNEY RUTLEDGE: Oh, wait, you've
15 completed --

16 INMATE MIJANGOS: Yes.

17 ATTORNEY RUTLEDGE: Accounting, okay.
18 That's fine. (indiscernible).

19 INMATE MIJANGOS: That's the one I
20 started working on, computer.

21 ATTORNEY RUTLEDGE: Okay.

22 INMATE MIJANGOS: I have certificates I
23 got them for the last time, the last Hearing.

24 PRESIDING COMMISSIONER FISHER: Okay.

25 And as we go through things, when we go through
26 your post conviction factors, if there's
27 anything that is missing, you can let us know.

1 Okay. All right. Any preliminary objections?

2 ATTORNEY RUTLEDGE: None.

3 PRESIDING COMMISSIONER FISHER: Okay, is
4 Mr. Mijangos going to be speaking with us?

5 ATTORNEY RUTLEDGE: Yes.

6 PRESIDING COMMISSIONER FISHER: Okay. If
7 you will raise your right hand, I'm going to
8 swear you in. Do you solemnly swear or affirm
9 that the testimony you give at this Hearing will
10 be the truth, and nothing but the truth?

11 INMATE MIJANGOS: Yes, I do.

12 PRESIDING COMMISSIONER FISHER: All
13 right, thank you. Okay. What I'm going to do,
14 is read a summary of the crime into the record.
15 And then I'm going to ask you to tell me in your
16 own words if it's correct and kind of fill in
17 the gap a little bit. And Counsel, I'm looking
18 at the Probation Officer's Report, do you have
19 any objections to that?

20 ATTORNEY RUTLEDGE: I thought it was kind
21 of confusing. The Board Report synopsis, I --

22 PRESIDING COMMISSIONER FISHER: Is it a
23 better version?

24 ATTORNEY RUTLEDGE: I think it's more
25 concise. But if you want to use that one, it's
26 fine.

27 PRESIDING COMMISSIONER FISHER: I'll just

1 use that one; that ones fine. That is dated May
2 2001. Under Summary of Crime it reads as
3 follows:

4 The defendant, his cousins and
5 several other people went to the
6 Pan American Club on the evening
7 of May 22, 1990, where they
8 remained until closing time.
9 Victims Salvador and Ullisas,
10 U-L-I-S-A-S, Chavez, who were
11 brothers, had gone to the club
12 that same evening but were denied
13 entrance since one of them did not
14 have identification. The Chavez
15 bothers then left the location but
16 returned at closing time. The
17 victim

18 And, I guess is it, Mr. Delavigne, do you know
19 is it Ulesas [phonetic], Ullisis [phonetic]? I
20 don't know how to pronounce this guys name.

21 **DEPUTY DISTRICT ATTORNEY DELAVIGNE:**

22 Ullisas, it looks like to me.

23 **PRESIDING COMMISSIONER FISHER:** Okay,
24 you're about as good at it as I am. All right.

25 Mr. Chavez was waiting with
26 friends on the street, by a gas
27 station, when a car approached

1 containing two females and two
2 males. They all exited the
3 vehicle and asked the victim if he
4 had seen who had broken into his
5 car. The victim said that he did
6 not know, at which time the
7 person hit him with his fist and
8 kicked him in the groin. At this
9 point, the victim's brother,
10 Salvador Chavez, came across the
11 street from the club to assist his
12 brother. Apparently, the
13 defendant was nearby parking his
14 vehicle, when he saw victim
15 Salvador Chavez approaching the
16 location. The defendant fired his
17 9-milimeter weapon, striking
18 Victim Salvador Chavez in the
19 chest, causing his death. Then
20 shot at Victim Ullias Chavez,
21 striking him in the right buttock,
22 hit area.

23 **PRESIDING COMMISSIONER FISHER:** All
24 right, is that correct?

25 **INMATE MIJANGOS:** (indiscernible).

26 **PRESIDING COMMISSIONER FISHER:** Okay,
27 tell me what is correct.

1 **INMATE MIJANGOS:** Once I got to the -- I
2 was ready to leave, when I got to the corner I
3 was going to turn and get the freeway, and
4 seeing where my cousin was parked, his car, and
5 I see a few guys approaching him.

6 **PRESIDING COMMISSIONER FISHER:** Uh huh.

7 **INMATE MIJANGOS:** So I turned and got
8 close to him. When I was getting close to them
9 I see one of these guys hitting my cousin with a
10 beer bottle in the face and pushing and hitting
11 my aunt (indiscernible).

12 **PRESIDING COMMISSIONER FISHER:** Hitting
13 your aunt?

14 **INMATE MIJANGOS:** Yes.

15 **PRESIDING COMMISSIONER FISHER:** Okay.

16 **INMATE MIJANGOS:** (indiscernible), we
17 were celebrating her birthday.

18 **PRESIDING COMMISSIONER FISHER:** Uh huh.

19 **INMATE MIJANGOS:** So I got closer to them
20 and this guy who throwed the beer bottle at my
21 cousin's face, he got close to me, I was parked
22 already in the middle of the street, he started
23 coming towards me, and he started telling
24 (indiscernible). At the same time he was
25 getting closure to me, he was reaching like he
26 was going to pull something out of his pants.

27 **PRESIDING COMMISSIONER FISHER:** Uh huh.

1 INMATE MIJANGOS: I got scared, had a 9-
2 millimeter in my car --

3 PRESIDING COMMISSIONER FISHER: Uh huh.

4 INMATE MIJANGOS: -- turned, I picked it
5 up, loaded it, and when I turned the gun went
6 off, that's when I shot him.

7 PRESIDING COMMISSIONER FISHER: All
8 right, why did you have a gun in your car?

9 INMATE MIJANGOS: Because the day before
10 that we went to -- I went with my friends to a
11 target shooting.

12 PRESIDING COMMISSIONER FISHER: All
13 right, whose gun was it? Whose gun was it? Was
14 it your gun?

15 INMATE MIJANGOS: Yes.

16 PRESIDING COMMISSIONER FISHER: Okay. So
17 you had been target shooting the day before,
18 right?

19 INMATE MIJANGOS: Yes.

20 PRESIDING COMMISSIONER FISHER: So you
21 obviously shot a gun before?

22 INMATE MIJANGOS: Yes.

23 PRESIDING COMMISSIONER FISHER: Explain
24 to me how the gun went off?

25 INMATE MIJANGOS: I just turned, when I
26 turned I see a guy standing right there by my
27 window, (indiscernible) and it went off.

1 **PRESIDING COMMISSIONER FISHER:** Why were
2 you holding it with your finder on the trigger?
3 You know how to handle a gun.

4 **INMATE MIJANGOS:** I was scared.

5 **PRESIDING COMMISSIONER FISHER:** If you
6 were sitting across from me and you had shot a
7 gun before, would the idea that somebody who
8 knew how to handle weapons would be in a
9 situation where the gun just went off. Would
10 that sound reasonable to you?

11 **INMATE MIJANGOS:** I ain't denying that I
12 shot him, because I shot him.

13 **PRESIDING COMMISSIONER FISHER:** Well,
14 just saying, "that I shot him" and saying "the
15 gun went off and it was kind of an accident,"
16 are two different things.

17 **INMATE MIJANGOS:** Well, at that moment,
18 it was something that (indiscernible) was
19 scared.

20 **PRESIDING COMMISSIONER FISHER:** Okay.

21 **INMATE MIJANGOS:** When I chose to turn,
22 the gun went off, I pulled the trigger
23 eventually, because I (indiscernible).

24 **PRESIDING COMMISSIONER FISHER:** Okay.
25 All right, that whole the gun went off thing
26 just always kind of troubles me, especially when
27 I find out that somebody knows how to use the

1 gun. All right, what else? What happened after
2 you shot him?

3 **INMATE MIJANGOS:** I see the other guy, I
4 think it was his brother, standing in the middle
5 of the street, so there was two guys standing in
6 front of my car, (indiscernible). There was
7 another three guys by the sidewalk, two guys in
8 the middle of two cars, one guy (indiscernible).
9 I shot through the (indiscernible). The guys
10 that were on the sidewalk, they took off
11 running.

12 **PRESIDING COMMISSIONER FISHER:** Uh huh.

13 **INMATE MIJANGOS:** The other guy, the two
14 guys that were in the middle of the street, one
15 took off running, the other one fell and stayed
16 there.

17 **PRESIDING COMMISSIONER FISHER:** Okay, and
18 what did you do? You said you shot through the
19 floor, is that what you said?
20 Okay.

21 **INMATE MIJANGOS:** So my family got
22 into the car and (indiscernible).

23 **PRESIDING COMMISSIONER FISHER:**

24 Okay.

25 **INMATE MIJANGOS:** And
26 (indiscernible) the other guy
27 (indiscernible) shot him was hit.

1 PRESIDING COMMISSIONER FISHER: Okay, but
2 did you know that the one man was dead?

3 INMATE MIJANGOS: Through the floor.

4 PRESIDING COMMISSIONER FISHER: You shot
5 toward the ground?

6 INMATE MIJANGOS: To the ground.

7 PRESIDING COMMISSIONER FISHER: Okay,
8 what was the point of that, just to scare them
9 away?

10 INMATE MIJANGOS: (indiscernible).

11 PRESIDING COMMISSIONER FISHER:

12 INMATE MIJANGOS: I find out that
13 (indiscernible).

14 PRESIDING COMMISSIONER FISHER: You saw
15 him fall, right?

16 INMATE MIJANGOS: Yes.

17 PRESIDING COMMISSIONER FISHER: When you
18 shot him. Why didn't you call the police?

19 INMATE MIJANGOS: Just (indiscernible)
20 got scared. (indiscernible)

21 PRESIDING COMMISSIONER FISHER: But you
22 weren't, I mean, if this is what happened you
23 weren't doing anything wrong, you were defending
24 yourself, right?

25 INMATE MIJANGOS: I wasn't sure, I was
26 carrying.

27 PRESIDING COMMISSIONER FISHER: Uh huh.

1 PRESIDING COMMISSIONER FISHER: Was it --

2 INMATE MIJANGOS: I shot a man.

3 PRESIDING COMMISSIONER FISHER: Was it
4 not a legal gun? Where did you get it? Where
5 did you get the gun?

6 INMATE MIJANGOS: Oh, I bought it.

7 PRESIDING COMMISSIONER FISHER: From a
8 gun shop?

9 INMATE MIJANGOS: Yes but I didn't have a
10 permit for the gun.

11 PRESIDING COMMISSIONER FISHER: Didn't
12 have a permit. How did you buy it without a
13 permit? You have to register it.

14 INMATE MIJANGOS: Back then you didn't
15 need a permit for a gun. You just buy it on --

16 PRESIDING COMMISSIONER FISHER:
17 (indiscernible)

18 PRESIDING COMMISSIONER FISHER: -- and
19 they give you about five days waiting.

20 PRESIDING COMMISSIONER FISHER: Hum.

21 INMATE MIJANGOS: Something like that.

22 PRESIDING COMMISSIONER FISHER: Yeah, you
23 have to do like a seven days waiting period. I
24 thought you had to register it, though, right?
25 I mean, I know you didn't, maybe you didn't have
26 a permit to carry a concealed weapon, but if you
27 bought the gun legally, and it was registered,

1 then it's not an illegal gun.

2 INMATE MIJANGOS: (indiscernible) Well --

3 PRESIDING COMMISSIONER FISHER: Never

4 mind, it's not important, I just trying to

5 figure out what you were thinking here.

6 DEPUTY COMMISSIONER McBEAN: I think your

7 point was, if it wasn't an illegal weapon, why

8 didn't he call the police, right?

9 PRESIDING COMMISSIONER FISHER: Exactly,

10 but apparently --

11 DEPUTY COMMISSIONER McBEAN: Can you

12 answer that question?

13 INMATE MIJANGOS: No.

14 PRESIDING COMMISSIONER FISHER: I think -

15 -

16 INMATE MIJANGOS: I didn't call the

17 police because I was scared.

18 DEPUTY COMMISSIONER McBEAN: I know, but

19 beyond that, there's to, there's more behind

20 that you were scared. Why else didn't you call

21 the police?

22 INMATE MIJANGOS: Well, I can't answer.

23 All I can say is that I was scared and that's

24 why I took off.

25 PRESIDING COMMISSIONER FISHER: Were you

26 a gang member?

27 INMATE MIJANGOS: (indiscernible).

1 PRESIDING COMMISSIONER FISHER: Yeah, and
2 I think what Commissioner McBean is kind of
3 alluding to, is that most law abiding citizens
4 who shot somebody in self-defense, when they
5 were being attacked, would call the police,
6 because they would think of themselves as the
7 victim in the case. I'm just curious as to -- I
8 don't know, it's my impression from you answer
9 to me about the gun, that maybe you thought that
10 having the gun was illegal because you didn't
11 have a weapon, a concealed weapon permit. Is
12 that what you were saying? Is it --

13 INMATE MIJANGOS: (indiscernible).

14 PRESIDING COMMISSIONER FISHER: Because
15 you bought the gun legally, right? You bought
16 the gun at a gun shop, so it's a legal weapon?

17 INMATE MIJANGOS: The gun, I bought it, I
18 got it from a friend.

19 PRESIDING COMMISSIONER FISHER: Oh, okay,
20 so you didn't buy it at a gun shop?

21 INMATE MIJANGOS: No.

22 PRESIDING COMMISSIONER FISHER: Okay. So
23 you didn't do the waiting period? You didn't
24 buy it at a gun shop, you didn't do the waiting
25 period, and it wasn't registered to you?

26 INMATE MIJANGOS: No.

27 PRESIDING COMMISSIONER FISHER: All

1 right.

2 INMATE MIJANGOS: (indiscernible) waiting
3 period because I had a gun. I mean, I know the
4 gun.

5 PRESIDING COMMISSIONER FISHER: All
6 right, okay. How did you get arrested for this
7 case?

8 INMATE MIJANGOS: I think my wife called
9 the police, because I told her.

10 PRESIDING COMMISSIONER FISHER: Because
11 you told her you had shot somebody. I saw that
12 in the Probation Officer's Report, that you had
13 told her that you had shot somebody, that you
14 thought that you had killed somebody.

15 INMATE MIJANGOS: Yes.

16 PRESIDING COMMISSIONER FISHER: All
17 right. And you didn't know these guys at all,
18 right? You had never met them before? Had
19 never seen them before or anything?

20 INMATE MIJANGOS: No.

21 PRESIDING COMMISSIONER FISHER: How old
22 was your aunt?

23 INMATE MIJANGOS: Excuse me.

24 PRESIDING COMMISSIONER FISHER: How old
25 was your aunt?

26 INMATE MIJANGOS: Back then she was
27 around maybe 48.

1 PRESIDING COMMISSIONER FISHER: Okay.

2 INMATE MIJANGOS: She's passed away.

3 PRESIDING COMMISSIONER FISHER: All
4 right. Okay, is there anything else about, just
5 about what happened that evening, that you and I
6 haven't talked about that you think would be
7 important for us to know?

8 INMATE MIJANGOS: (indiscernible).

9 PRESIDING COMMISSIONER FISHER: All
10 right. Let's talk about your prior history,
11 before you came to prison for this crime. Let
12 me see here. I'll double check on this real
13 quick. It seems like I saw a prior arrest.
14 Yeah, here it is. In 1986, you were arrested
15 for corporal injury to a spouse, but I don't
16 show a disposition on that. What happened?

17 INMATE MIJANGOS: That day I got into an
18 argument with my wife.

19 PRESIDING COMMISSIONER FISHER: Uh huh.

20 INMATE MIJANGOS: And I strike her and
21 she called the cops and I got arrested.

22 PRESIDING COMMISSIONER FISHER: Okay, and
23 then what happened? After you got arrested,
24 what happened? Anything? Did you --

25 INMATE MIJANGOS: Bailed out, went to
26 Court. The charges were dropped.

27 PRESIDING COMMISSIONER FISHER: Okay,

1 because your wife, your wife wouldn't testify?

2 INMATE MIJANGOS: Well, she didn't make

3 any --

4 PRESIDING COMMISSIONER FISHER: She

5 didn't press --

6 INMATE MIJANGOS: She didn't

7 (indiscernible).

8 PRESIDING COMMISSIONER FISHER: -- she

9 didn't make a complaint.

10 INMATE MIJANGOS: Yeah, because

11 (indiscernible).

12 PRESIDING COMMISSIONER FISHER: Okay.

13 INMATE MIJANGOS: That's something that I

14 regret. I have asked her for forgiveness

15 (indiscernible).

16 PRESIDING COMMISSIONER FISHER: Okay.

17 Had you ever hit her before?

18 INMATE MIJANGOS: Just that time.

19 PRESIDING COMMISSIONER FISHER: Just that

20 time? That was the only time?

21 (no audible response)

22 PRESIDING COMMISSIONER FISHER: Okay.

23 Why do you think -- why did she call the police?

24 Why did she call the police? Why didn't she ask

25 you to call the police?

26 INMATE MIJANGOS: I don't know.

27 PRESIDING COMMISSIONER FISHER: You don't

1 know. You haven't asked her?

2 INMATE MIJANGOS: I -- no.

3 (indiscernible).

4 PRESIDING COMMISSIONER FISHER: Okay.

5 All right, let's move on. Let's see here.

6 Okay, I'm just going to tell you what I have in
7 the file here as far as information about your
8 history. It says that you were born in
9 Guatemala, is that correct?

10 INMATE MIJANGOS: Yes.

11 PRESIDING COMMISSIONER FISHER: And you
12 are the oldest of four?

13 INMATE MIJANGOS: No, three.

14 PRESIDING COMMISSIONER FISHER: Three?

15 INMATE MIJANGOS: I have two sisters on
16 my father's side, and one sister on my mother's
17 side.

18 PRESIDING COMMISSIONER FISHER: Okay, so
19 that would be four of you.

20 INMATE MIJANGOS: (indiscernible).

21 PRESIDING COMMISSIONER FISHER: You're
22 the only brother, huh?

23 INMATE MIJANGOS: Yes, I am.

24 PRESIDING COMMISSIONER FISHER: Okay.
25 Are they older than you? I mean, all younger
26 than you?

27 INMATE MIJANGOS: Yes.

1 PRESIDING COMMISSIONER FISHER: Okay.

2 Let see, you came to the U.S. when you were 15.

3 Is that right?

4 INMATE MIJANGOS: Yes.

5 PRESIDING COMMISSIONER FISHER: Okay.

6 Why did you come here?

7 INMATE MIJANGOS: My aunt brought me
8 here.

9 PRESIDING COMMISSIONER FISHER: Why?

10 INMATE MIJANGOS: To better our life.

11 PRESIDING COMMISSIONER FISHER: Okay,
12 because I wondered that, because apparently you
13 went to school here but then you dropped out
14 when you were in the 11th grade.

15 INMATE MIJANGOS: I was an 11 grader. I
16 was 17.

17 PRESIDING COMMISSIONER FISHER: Uh huh.

18 INMATE MIJANGOS: And I dropped out to
19 start working to help my father.

20 PRESIDING COMMISSIONER FISHER: Okay.

21 INMATE MIJANGOS: Family.

22 PRESIDING COMMISSIONER FISHER: Okay.

23 And then when did the rest of your family come
24 here, to the U.S.? Had you been here for a
25 while? You don't have to be real specific.

26 INMATE MIJANGOS: (indiscernible)

27 PRESIDING COMMISSIONER FISHER: I'm just

1 trying to get a general idea.

2 INMATE MIJANGOS: I was -- my mother
3 (indiscernible) she came back in '84.

4 PRESIDING COMMISSIONER FISHER: Uh huh.

5 INMATE MIJANGOS: My dad in '85.

6 PRESIDING COMMISSIONER FISHER: And are
7 your sisters -- your sisters are all living --

8 INMATE MIJANGOS: No.

9 PRESIDING COMMISSIONER FISHER: -- here
10 now, right?

11 INMATE MIJANGOS: Yes, one of my sisters
12 was born here on my mother's side, because my
13 mother used to live in New York.

14 PRESIDING COMMISSIONER FISHER: Uh huh.

15 INMATE MIJANGOS: Way back. So she's a
16 citizen.

17 PRESIDING COMMISSIONER FISHER: Citizen.

18 INMATE MIJANGOS: And my two sisters came
19 up in '94 or '95.

20 PRESIDING COMMISSIONER FISHER: Okay, and
21 your mom passed away --

22 INMATE MIJANGOS: In '84, '85.

23 PRESIDING COMMISSIONER FISHER: Okay, you
24 mom passed away in '84. Is that right?

25 INMATE MIJANGOS: Yes, she did.

26 PRESIDING COMMISSIONER FISHER: Okay.

27 Now the report that I'm looking at is back from

1 2001, so I would just want to ask you, is your
2 dad still alive? He was at the time of this
3 report.

4 INMATE MIJANGOS: Yes, he is.

5 PRESIDING COMMISSIONER FISHER: Okay, and
6 he's still in L.A.?

7 INMATE MIJANGOS: Yes.

8 PRESIDING COMMISSIONER FISHER: What
9 about your sisters, are they all still alive?

10 INMATE MIJANGOS: Yes.

11 PRESIDING COMMISSIONER FISHER: And are
12 you still in contact with them?

13 INMATE MIJANGOS: Yes.

14 PRESIDING COMMISSIONER FISHER: Okay.
15 Let's see here, it says that you're -- are you
16 still married?

17 INMATE MIJANGOS: Yes.

18 PRESIDING COMMISSIONER FISHER: And to
19 the same wife that you were married to at the
20 time of offense?

21 INMATE MIJANGOS: Yes (indiscernible).

22 PRESIDING COMMISSIONER FISHER: And the
23 two of you have two children, right?

24 INMATE MIJANGOS: Three.

25 PRESIDING COMMISSIONER FISHER: Three?

26 Okay. How many boys? How many girls?

27 INMATE MIJANGOS: Two boys and one girl.

1 PRESIDING COMMISSIONER FISHER: And how
2 are they doing?

3 INMATE MIJANGOS: (indiscernible).

4 PRESIDING COMMISSIONER FISHER: Good, all
5 right. Are you in pretty constant contact with
6 your wife and kids?

7 INMATE MIJANGOS: Yes. I call them
8 (indiscernible) almost every week.

9 PRESIDING COMMISSIONER FISHER: Okay,
10 good. All right, regarding substance abuse, it
11 says that you really haven't had much of an
12 issue with any kind of substances. That you
13 drank socially, things like at parties or on
14 holidays. Does that sound right?

15 INMATE MIJANGOS: Yes.

16 PRESIDING COMMISSIONER FISHER: Okay, no
17 drugs at all?

18 INMATE MIJANGOS: No.

19 PRESIDING COMMISSIONER FISHER: Okay. Is
20 there anything about your life before you came
21 to prison for this offense that you and I
22 haven't talked about that you think that we
23 should know about you?

24 INMATE MIJANGOS: No.

25 PRESIDING COMMISSIONER FISHER: Have we
26 covered it?

27 (no audible response)

1 **PRESIDING COMMISSIONER FISHER:** Okay,
2 let's talk about your parole plans. The current
3 Board Report refers me back to the 2001 Board
4 Report, so I'm going to tell you what it says
5 there and you can let me know if it is still
6 correct. It says, "that you would live with
7 your wife in L.A. And that after you are
8 released that you plan to move from, move out of
9 California, it doesn't really say where to, but
10 that you want to move out of California. Is
11 that still correct?

12 **INMATE MIJANGOS:** Well, my wife's staying
13 right now in Texas.

14 **PRESIDING COMMISSIONER FISHER:** Uh huh.

15 **INMATE MIJANGOS:** And I'm planning to
16 move to Texas.

17 **PRESIDING COMMISSIONER FISHER:** Okay, so
18 you would move back, you would initially move
19 somewhere in California, or would you apply to
20 have your parole transferred before you even --

21 **INMATE MIJANGOS:** I believe that if I
22 parole, I'm going to be paroled to L.A.

23 **PRESIDING COMMISSIONER FISHER:** Uh huh.

24 **INMATE MIJANGOS:** So I'm not sure how it
25 work. But I think you have to spend some time,
26 a year or two years, I don't know how many
27 years, and you can asked your Parole Officer --

1 PRESIDING COMMISSIONER FISHER: To be --

2 INMATE MIJANGOS: -- Paroled somewhere

3 else.

4 PRESIDING COMMISSIONER FISHER: And I'm
5 not sure exactly what the logistics of it are.

6 INMATE MIJANGOS: (indiscernible) how it
7 work.

8 PRESIDING COMMISSIONER FISHER: Okay.

9 INMATE MIJANGOS: But my plans is what my
10 wife is in Texas so I have to be with my family.

11 PRESIDING COMMISSIONER FISHER: Okay,
12 that makes sense. And it says, that prior to
13 incarceration you were employed at Cal Tex
14 Plastics. And it talks about the different
15 certifications that you have gotten while you've
16 been in prison. It says, "Robert
17 (indiscernible), who is self-employed in the
18 construction field has indicated his desire to
19 offer you employment." Who is he? Is he a
20 friend?

21 INMATE MIJANGOS: Yes, he is.

22 PRESIDING COMMISSIONER FISHER: Let's see
23 here. It says here that you are an amnesty
24 applicant and that you are not deportable at
25 this time. So there is no INS hold in place.
26 Is that correct?

27 (no audible response)

1 PRESIDING COMMISSIONER FISHER: Okay.

2 Let's see here. I've got some letters of
3 support for you. The first letter is from the
4 teacher in Vocational Computer Refurbishing, and
5 this looks like a chrono, so I'm going to let
6 Commissioner McBean go over that when she does
7 your post-conviction factors. I have a letter
8 here from someone named Ivan, is that your dad?
9 I mean you son?

10 INMATE MIJANGOS: It's my son.

11 PRESIDING COMMISSIONER FISHER: Okay.

12 INMATE MIJANGOS: It's my son.

13 PRESIDING COMMISSIONER FISHER: All
14 right, he talks about not having you in your
15 life.

16 INMATE MIJANGOS: That letter
17 (indiscernible).

18 PRESIDING COMMISSIONER FISHER: I think
19 it's cute.

20 INMATE MIJANGOS: Yeah, my counselor told
21 me, "You want me to pull that letter out?" I
22 said, "No, it's just what he feels."

23 PRESIDING COMMISSIONER FISHER: He's
24 talking about all the stuff he missed not having
25 you there.

26 INMATE MIJANGOS: Yes.

27 PRESIDING COMMISSIONER FISHER: That's

1 all it is. He says that he doesn't really know
2 much about you because, it says, "When we visit
3 we usually talk about what I've done and what is
4 new at home." Let's see here, I have one here
5 from Pastor Carlos Calderon [phonetic], whose
6 he?

7 INMATE MIJANGOS: My (indiscernible).

8 PRESIDING COMMISSIONER FISHER: Okay. He
9 talks about knowing you since you were a small
10 boy. And this is just generally supportive.
11 He's just saying why he believes that you should
12 be paroled. Michelle Calderon, is that --

13 INMATE MIJANGOS: Michelle, that's my
14 cousin.

15 PRESIDING COMMISSIONER FISHER: Your
16 cousin, right. Same thing, just very
17 supportive.

18 INMATE MIJANGOS: It's (indiscernible)
19 but they live in (indiscernible) --

20 PRESIDING COMMISSIONER FISHER: Virginia.

21 INMATE MIJANGOS: -- Washington.

22 PRESIDING COMMISSIONER FISHER: Virginia.

23 INMATE MIJANGOS: Excuse me?

24 PRESIDING COMMISSIONER FISHER: Virginia.

25 INMATE MIJANGOS: Virginia.

26 PRESIDING COMMISSIONER FISHER: Which is
27 right across, right across the street,

1 basically, from Washington, D.C.

2 **INMATE MIJANGOS:** Yeah.

3 **PRESIDING COMMISSIONER FISHER:** Okay.

4 And I have one here from your sister. She says,
5 "My husband, Carlos and I are more than willing
6 to have Jaime come and live with us here in
7 Virginia. We want to help him find a job and
8 are more than willing to give him a place to
9 live and the necessities to start a new life."
10 And I have some others that are (indiscernible),
11 Madrono [phonetic]. I have a couple
12 (indiscernible) for kids. Let's see here, one
13 Carlos Inga [phonetic], this is your brother-in-
14 law, right?

15 **INMATE MIJANGOS:** Yes, he's married to my
16 sister, who lives in Virginia.

17 **PRESIDING COMMISSIONER FISHER:** Virginia.
18 He says, "My wife and I would be more than happy
19 to help Jaime find a job, provide him with
20 necessities to start over. We feel that he
21 would be happy and glad to come and live with
22 us, as we are starting our own little family."
23 This is from Maria Cano, C-A-N-O, this one, is
24 once again, is just general supportive. Anna
25 Garcia, same thing. (indiscernible) Gonzales.
26 I have one from your father. Let's see here.
27 He says, let's see here, "Upon his release he

1 will be living with me. I'm single and I live
2 alone." And he gives the address. "I will take
3 care of his needs, that is emotionally as well
4 as financially. We also have many members of
5 the family that have offered to be by our side
6 to help Jaime (indiscernible) readjust." I have
7 one here from your mother-in-law. She says,
8 "Jaime will have our support with housing,
9 clothing, car, money. We will help him get back
10 in society so he can finish taking care of his
11 kids." I have one from Sylvia Rodriguez who's
12 saying, "I can provide housing to him because
13 he's a good person." This is your sister-in-
14 law? Sylvia Rodriguez?

15 **INMATE MIJANGOS:** Yes.

16 **PRESIDING COMMISSIONER FISHER:** Okay.
17 And I think that's everything that I have. Is
18 there anything else that I should have regarding
19 your parole plans? Or did we cover it?

20 **INMATE MIJANGOS:** I (indiscernible).

21 **PRESIDING COMMISSIONER FISHER:** Okay, all
22 right, if that's everything. If you will, oh,
23 one more thing, I'll just tell you, we received
24 -- the Board sends out something called 3042
25 Notices. They go out to any agencies that are
26 interested in your parole status. And we
27 received a letter back from the Los Angeles

1 Police Department, and I'm going to read it to
2 you. It says:

3 Jaime Mijangos is a known 18th
4 Street Gang member. The
5 commitment offense was carried out
6 in a manner, which exhibited a
7 callous disregard for the life or
8 suffering of another. The motive
9 for the crime was very trivial in
10 relation to the offense and it
11 involved multiple victims. He
12 murdered one victim and attempted
13 to murder another by shooting them
14 with a firearm after a verbal
15 argument. We recommend that his
16 parole be denied. It is the
17 Department's position to adamantly
18 oppose the release of this inmate
19 back into the community.

20 Do you want to respond to the fact that they say
21 that you are an 18th Street Gang member? Do you
22 know where that came from?

23 **INMATE MIJANGOS:** No.

24 **PRESIDING COMMISSIONER FISHER:** Okay.

25 **INMATE MIJANGOS:** The only time when it
26 appears about the 18th Street Gang on my files
27 is because the victims they claimed to be 18th

1 Street Gang members.

2 INMATE MIJANGOS: They said they are?

3 The victims are?

4 INMATE MIJANGOS: Well --

5 PRESIDING COMMISSIONER FISHER: Or they
6 said that you are?

7 INMATE MIJANGOS: No, no, no. That the
8 night that the crime happens, I mean, they claim
9 to be 18th Street Gang.

10 PRESIDING COMMISSIONER FISHER: All
11 right, so the victim said that they were 18th
12 Street Gang.

13 INMATE MIJANGOS: Yes.

14 PRESIDING COMMISSIONER FISHER: Okay, so
15 maybe that's where they pulled it from. All
16 right. Then if

17 INMATE MIJANGOS: (indiscernible)

18 PRESIDING COMMISSIONER FISHER: Go ahead.

19 INMATE MIJANGOS: I think they should
20 have records of me, I don't know (indiscernible)
21 saying that I'm known for being 18th Street
22 Gang. I've never been in no gang and I probably
23 never will.

24 PRESIDING COMMISSIONER FISHER: Okay.
25 All right. Well, it's not the first time that
26 they've made a mistake in their letters. I
27 haven't seen anything in the file. If I see, if

1 I come across anything in the file that
2 indicates that you were a gang member or if
3 Mr. Delavigne has anything that indicates that
4 you were a gang member, we'll talk about that,
5 as the Hearing goes on. In the meantime, if you
6 will turn your attention to Commissioner McBean,
7 she's going to go through your post-conviction
8 factors.

9 **DEPUTY COMMISSIONER McBEAN:** Okay,
10 Mr. Mijangos, in this phase of the Hearing we
11 will be looking at your institutional
12 adjustment. I have reviewed the Central File,
13 the Board Report, the psych evaluation. If I
14 miss anything, I'll be giving you and your
15 attorney an opportunity to add some things. I
16 see that you last appeared before the Board on
17 10/17/01, that was your Initial Parole
18 Consideration Hearing. At that time you were
19 given a three-year denial. You were asked to
20 remain disciplinary free, to upgrade
21 vocationally and educationally and to
22 participate in self-help and therapy. You have
23 a current classification score of 19. Your
24 custody level is Medium A. Are you still
25 working for the computer technologies?

26 **INMATE MIJANGOS:** Yes, I am.

27 **DEPUTY COMMISSIONER McBEAN:** Is that

1 computer repair?

2 INMATE MIJANGOS: Yes, it is.

3 DEPUTY COMMISSIONER McBEAN: Or
4 refurbishing?

5 INMATE MIJANGOS: It used to be. We used
6 to fix computers for the schools but they closed
7 that. So now it's a class.

8 DEPUTY COMMISSIONER McBEAN: Okay, in
9 Computer Technology then?

10 INMATE MIJANGOS: Yes.

11 DEPUTY COMMISSIONER McBEAN: Okay. And
12 you've been there since April '04 and are doing
13 very well there, exceptionally well, according
14 to work reports. You have a GED. You acquired
15 that in '94, right?

16 INMATE MIJANGOS: Yes.

17 DEPUTY COMMISSIONER McBEAN: And the last
18 TABE score I saw was 7.8. From a vocational
19 standpoint you've completed two vocational
20 programs: Office Services, back in '94; and
21 Data Processing in '01. Is that right?

22 INMATE MIJANGOS: Yes.

23 DEPUTY COMMISSIONER McBEAN: Computer
24 Repair or Technologies, is that a vocational
25 area? Or a job assignment? Or education? Or
26 what?

27 INMATE MIJANGOS: Well, that's, well, I

1 don't, I'm like I work, I'm at work program.

2 DEPUTY COMMISSIONER McBEAN: Oh, all
3 right.

4 INMATE MIJANGOS: But it is a vocational,
5 they have students.

6 DEPUTY COMMISSIONER McBEAN: I see, but
7 for you it's a job assignment?

8 INMATE MIJANGOS: Yes.

9 DEPUTY COMMISSIONER McBEAN: Okay. What
10 are you doing for them?

11 INMATE MIJANGOS: I help the new students
12 how to fix computers, take them apart, put them
13 back together. Just explain about the hard
14 drives and so forth.

15 DEPUTY COMMISSIONER McBEAN: Okay, and
16 where did you learn that?

17 INMATE MIJANGOS: In here.

18 DEPUTY COMMISSIONER McBEAN: So did you
19 take a computer program course that taught you
20 all that?

21 INMATE MIJANGOS: When I start back in
22 2000, I think, I start in the (indiscernible),
23 so they moved me to the CET. So I started
24 working and learning then. They closed that
25 shop, they reopened couple of years later and
26 they called me back as a work. So that's how I
27 learned about it.

1 DEPUTY COMMISSIONER McBEAN: All right,
2 so you have work skills there but you didn't
3 actually complete a voc program.

4 INMATE MIJANGOS: No.

5 DEPUTY COMMISSIONER McBEAN: All right.
6 Also, you've taken some classes in: Information
7 Technologies; Business Applications;
8 Salesmanship, although that was through the
9 Muslim Center, I didn't understand that.

10 INMATE MIJANGOS: (indiscernible), yes.

11 DEPUTY COMMISSIONER McBEAN: Through the
12 Muslim Center?

13 INMATE MIJANGOS: Yes, Muslim Center.

14 DEPUTY COMMISSIONER McBEAN: So it's not
15 through the Education Department?

16 INMATE MIJANGOS: No.

17 DEPUTY COMMISSIONER McBEAN: Okay. How
18 about Business Applications, is that through
19 Education or through the Muslim Center?

20 INMATE MIJANGOS: I think that was
21 through the Muslim Center.

22 DEPUTY COMMISSIONER McBEAN: Muslim
23 Center, too. Okay. All right, any other self-
24 help, excuse me, any other vocational trades
25 that you have completed, besides the Office
26 Services and Data Processing?

27 INMATE MIJANGOS: I think I have one.

1 Probably you don't have the copy right there for
2 Accounting.

3 DEPUTY COMMISSIONER McBEAN: Accounting?

4 INMATE MIJANGOS: Yes.

5 DEPUTY COMMISSIONER McBEAN: Is that a
6 vocational program?

7 INMATE MIJANGOS: No. It wasn't no
8 vocational program, it was like a --

9 DEPUTY COMMISSIONER McBEAN: Class?

10 INMATE MIJANGOS: Yeah, they give you,
11 they give you the book in the class.
12 (indiscernible) they give you the book and the
13 quiz and everything.

14 DEPUTY COMMISSIONER McBEAN: So it was a
15 self-study program?

16 INMATE MIJANGOS: Self-study, self-study.

17 DEPUTY COMMISSIONER McBEAN: Through the
18 Education Department?

19 INMATE MIJANGOS: Yes.

20 DEPUTY COMMISSIONER McBEAN: Okay, you
21 took one accounting class, or what?

22 INMATE MIJANGOS: Yes, one book. One
23 semester.

24 DEPUTY COMMISSIONER McBEAN: When was
25 that? Approximately

26 INMATE MIJANGOS: About '99. '99 or
27 2000.

1 DEPUTY COMMISSIONER McBEAN: All right.

2 Anything else in terms of vocations?

3 INMATE MIJANGOS: No, not that I

4 remember.

5 DEPUTY COMMISSIONER McBEAN: All right,
6 that's fine. If you think of something let me
7 know. From a self-help standpoint, the file
8 indicates that you were drinking on the night of
9 the incident offense. Is that correct?

10 INMATE MIJANGOS: Yes.

11 DEPUTY COMMISSIONER McBEAN: And what
12 drugs have you used in the past?

13 INMATE MIJANGOS: I used drugs when I was
14 in high school.

15 DEPUTY COMMISSIONER McBEAN: What was it?

16 INMATE MIJANGOS: Marijuana, I think, I
17 just tried it.

18 DEPUTY COMMISSIONER McBEAN: Uh huh.
19 Anything else?

20 INMATE MIJANGOS: No.

21 DEPUTY COMMISSIONER McBEAN: Okay, the
22 file indicates that you first started using
23 alcohol and drugs around the age of 17. Is that
24 right?

25 INMATE MIJANGOS: Excuse me?

26 DEPUTY COMMISSIONER McBEAN: The file
27 indicates that you -- you stated that you first

1 started using alcohol and drugs of 17 --

2 INMATE MIJANGOS: (indiscernible) said
3 that. That's (indiscernible) I said. I said
4 that I tried drugs when I was in high school.

5 DEPUTY COMMISSIONER McBEAN: Uh huh.

6 INMATE MIJANGOS: (indiscernible) they
7 make it sound like I've been doing it since 17.

8 DEPUTY COMMISSIONER McBEAN: That's why
9 I'm asking you.

10 INMATE MIJANGOS: (indiscernible).

11 DEPUTY COMMISSIONER McBEAN: I was giving
12 you a chance to tell me what you used and how
13 frequently and all that.

14 INMATE MIJANGOS: Well, I don't use drugs
15 at all.

16 DEPUTY COMMISSIONER McBEAN: Okay, so you
17 were experimenting with marijuana in high
18 school?

19 INMATE MIJANGOS: In high school.

20 DEPUTY COMMISSIONER McBEAN: Okay. And
21 you started drinking alcohol in high school.

22 INMATE MIJANGOS: I started drinking in
23 high school, yes.

24 DEPUTY COMMISSIONER McBEAN: Okay, all
25 right. Now, from a self-help standpoint, I saw
26 that you participated in AA in '03, '04, and
27 '05. Is that right?

1 INMATE MIJANGOS: (indiscernible), yes,
2 I'm in --

3 DEPUTY COMMISSIONER McBEAN: Alcoholics
4 Anonymous.

5 INMATE MIJANGOS: AA, alcoholic. But
6 what (indiscernible) was?

7 DEPUTY COMMISSIONER McBEAN: 2003, 2004,
8 2005.

9 INMATE MIJANGOS: Oh, okay, the years.

10 DEPUTY COMMISSIONER McBEAN: Yes, I was
11 going over the years.

12 INMATE MIJANGOS: Yes, starting from
13 2000.

14 DEPUTY COMMISSIONER McBEAN: I think he
15 started in 2002.

16 INMATE MIJANGOS: (indiscernible) 2002.

17 DEPUTY COMMISSIONER McBEAN: Yeah, I went
18 back through them and it looks like 2003
19 forward. Are you still participating?

20 INMATE MIJANGOS: Yes, I am.

21 DEPUTY COMMISSIONER McBEAN: Okay, and
22 you also did some of the courses in terms of
23 health, sexually transmitted diseases, HIV and
24 TB prevention in '04. You did a Maricanan
25 [phonetic] Program, and a Life Skills Program.
26 Is that right?

27 INMATE MIJANGOS: Yes.

1 DEPUTY COMMISSIONER McBEAN: Okay, any
2 other self-help that you've participated in?

3 INMATE MIJANGOS: No.

4 DEPUTY COMMISSIONER McBEAN: From a
5 disciplinary standpoint you have only one 115
6 and that was in 1992. So the good news is that
7 you only have one and it was a long time ago.
8 The bad news is, is was for alcohol.

9 INMATE MIJANGOS: Yes.

10 DEPUTY COMMISSIONER McBEAN: And there
11 was some pruno found inside your cell. Was that
12 your pruno?

13 INMATE MIJANGOS: Well, --

14 DEPUTY COMMISSIONER McBEAN: Half-a-
15 gallon.

16 INMATE MIJANGOS: I guess. They find it
17 in my cell.

18 DEPUTY COMMISSIONER McBEAN: I know. But
19 was it your pruno? That was the question.

20 INMATE MIJANGOS: Yes.

21 DEPUTY COMMISSIONER McBEAN: Okay, that's
22 fine. I would assume it was, it was in your
23 cell.

24 INMATE MIJANGOS: (indiscernible) well,
25 it was in my cell but that doesn't mean -- you
26 sometimes doesn't make up the (indiscernible).

27 DEPUTY COMMISSIONER McBEAN: Did you make

1 up the pruno?

2 INMATE MIJANGOS: No.

3 DEPUTY COMMISSIONER McBEAN: Oh, okay.

4 Did you have a celli?

5 INMATE MIJANGOS: Yes.

6 DEPUTY COMMISSIONER McBEAN: Did he make
7 the pruno? I mean you don't have to tell me his
8 name. Just yes or no.

9 INMATE MIJANGOS: Yes.

10 DEPUTY COMMISSIONER McBEAN: Okay. And
11 were you drinking it?

12 INMATE MIJANGOS: No.

13 DEPUTY COMMISSIONER McBEAN: Selling it?

14 INMATE MIJANGOS: No.

15 DEPUTY COMMISSIONER McBEAN: Did you know
16 it was there?

17 INMATE MIJANGOS: I knew it was there.

18 DEPUTY COMMISSIONER McBEAN: Okay. All
19 right, so, it wasn't your pruno. That's your
20 testimony today. Although at the Hearing you
21 said it was yours and you had two cups for New
22 Years.

23 INMATE MIJANGOS: No, because --

24 DEPUTY COMMISSIONER McBEAN: Rios didn't
25 know I had it.

26 INMATE MIJANGOS: What?

27 DEPUTY COMMISSIONER McBEAN: Your celli

1 didn't know you had it. That was a statement
2 that you made at the 115 Hearing. Rios,
3 R-I-O-S, was he your celli?

4 **INMATE MIJANGOS:** Yeah, I guess so, he
5 was.

6 **DEPUTY COMMISSIONER McBEAN:** Here's what
7 you said at the Hearing, "The pruno that was
8 found was mine. I only had two cups for myself
9 for the New Year. My celli, inmate Rios, didn't
10 know I had it." So which one is true? It was
11 yours and you drank it? Or it wasn't your and
12 you didn't drink it?

13 **INMATE MIJANGOS:** I didn't drink it but
14 it was in my cell, so that would make it mine.

15 **DEPUTY COMMISSIONER McBEAN:**
16 Mr. Mijangos, wait a second. We're not playing
17 games here. I'm just trying to ask you to tell
18 me what is true. So I can see that there is a
19 115 here, it was a long time ago. I can see
20 that it was in your cell. I already know all
21 that. Now, we are talking about what is really
22 true. You said one thing then, you're saying
23 another thing now. This is simply an
24 opportunity to tell me which one is true. It's
25 not through deduction, it's a question of what's
26 true. So which one is it?

27 **INMATE MIJANGOS:** The pruno was in my

1 cell.

2 DEPUTY COMMISSIONER McBEAN: Did you make
3 the pruno?

4 INMATE MIJANGOS: No.

5 DEPUTY COMMISSIONER McBEAN: Okay. Did
6 it belong to you?

7 INMATE MIJANGOS: It was in my cell so I
8 don't know how can you say it belongs to me.

9 DEPUTY COMMISSIONER McBEAN: Okay.

10 INMATE MIJANGOS: I mean --

11 DEPUTY COMMISSIONER McBEAN: I can't get
12 a straight answer from you today. You have an
13 opportunity to clarify something that you are
14 not willing to clarify. So that's okay with me.
15 We can move on. But I'm pointing out to you
16 that I'm not getting any straight answers from
17 you on that score. And it's not worth lying
18 about, it was a long time ago. Let's look at
19 the 128. You have four 128s, the last one being
20 2/28/98, for -- well, actually, there was one on
21 2/24/05. I guess you have five 128s. And this
22 one is for failing to respond to a ducket for a
23 TABE test. Do you need to take a TABE test when
24 you have a GED?

25 INMATE MIJANGOS: That 128 is supposed to
26 be pulled out from my file. And even my
27 (indiscernible) told me that they were going to

1 pull the 128 because I have my GED I didn't
2 (indiscernible).

3 DEPUTY COMMISSIONER McBEAN: Okay.

4 INMATE MIJANGOS: But then, excuse me --

5 DEPUTY COMMISSIONER McBEAN: I'm sorry.

6 INMATE MIJANGOS: Even the that they
7 ruled me a 128 (indiscernible) last
8 (indiscernible) took my TABE test. That was
9 almost about the same day.

10 DEPUTY COMMISSIONER McBEAN: Uh huh,
11 okay. Well, that makes sense actually. It
12 doesn't seem like you would have to take the
13 TABE test if you have a GED verified in the
14 file. So the one before that was February 28,
15 '98, and that was for failing to report.

16 INMATE MIJANGOS: It was?

17 DEPUTY COMMISSIONER McBEAN: Uh huh. So
18 your testimony today is that you've never been a
19 member of a gang?

20 INMATE MIJANGOS: No.

21 DEPUTY COMMISSIONER McBEAN: You're not
22 part of the 18th Street Gang?

23 INMATE MIJANGOS: No.

24 DEPUTY COMMISSIONER McBEAN: Okay. The
25 A12 doesn't indicate that you are. And I don't
26 see any indication in the file that you are. I
27 don't see any 115s indicating that you are, in

1 the Central File. But I did see the same letter
2 indicating that you were part of the gang. Now
3 let's look at your psych evaluation. 4/16/01,
4 is your last psych evaluation, excuse me 4/6/01.
5 Well, it has both those dates on it. So we'll
6 go with 4/16, that's the date at the bottom.
7 This is by Dr. William Gamard, G-A-M-A-R-D, and
8 he gives you no contributory clinical disorder
9 on Axis I and II. In terms of an assessment of
10 dangerousness, he said, "you received only one
11 115 during his entire incarceration, for
12 possession of inmate manufactured alcohol, in
13 December of '92, which he admitted he made in
14 order to celebrate the upcoming New Year.
15 Therefore it is felt that he would pose a less
16 than average risk for violence when compared to
17 this level II inmate population. If released to
18 the community, his violence potential is
19 estimated to be no higher than the average
20 citizen in the community." Okay, was there
21 anything else you wanted to add in terms of your
22 overall intuitional adjustment or
23 accomplishments that we may have missed?

24 INMATE MIJANGOS: No.

25 DEPUTY COMMISSIONER McBEAN: No. Okay,
26 anything to add, Counsel?

27 ATTORNEY RUTLEDGE: No.

1 DEPUTY COMMISSIONER McBEAN: Okay. I'll
2 return to the Chair.

3 PRESIDING COMMISSIONER FISHER: Okay. I
4 can tell you that the Probation Officers Report,
5 I'll tell you where the gang thing came from.
6 In the Probation Officer's Report, on Page 11,
7 it says, under Interested Parties, it says, "The
8 probation officer contacted the Los Angeles
9 Police Department and Homicide Detective Zalba,
10 Z-A-L-B-A, who reports that the present offense
11 appears to have been a confrontation vendetta.
12 According to their records, the victims were not
13 gang members and apparently defendant had the
14 weapon in his pocket and shot at the approaching
15 victims. He feels that the defendant should be
16 sentenced to State prison," blah, blah, blah.
17 And then it says, under Evaluation, it says,
18 "The defendant then explained his involvement in
19 the present offense --"

20 DEPUTY COMMISSIONER McBEAN: I need to
21 turn the tape, I'm sorry.

22 (TAPE 1, SIDE A, ENDS)

23 (TAPE 1, SIDE B, STARTS)

24 DEPUTY COMMISSIONER McBEAN: Back on
25 record.

26 PRESIDING COMMISSIONER FISHER: All
27 right, thank you. It says, "The defendant is

1 attempting to minimize his actions by stating
2 that he was acting against gang members who were
3 threatening him. Information supplied by the
4 Police Department indicates otherwise, that the
5 victims were not known gang members." So, I
6 don't know where they came up with that. But I
7 though I would let you know where it is in your
8 file, so that you'll know for future reference.
9 I don't think I have any other questions. Did
10 you go to trial or was this a plea bargain?

11 **INMATE MIJANGOS:** No, it was a Judge, a
12 Judge trial.

13 **PRESIDING COMMISSIONER FISHER:** Oh, so
14 you did have a trial but not before a Jury, it
15 was before a Judge.

16 **INMATE MIJANGOS:** Just by the Judge.

17 **PRESIDING COMMISSIONER FISHER:** And did,
18 well, I guess it's not important. Do you have
19 anything?

20 **DEPUTY COMMISSIONER McBEAN:** I do have a
21 question. I'm a little confused about how the
22 second victim was shot. Let me first ask, how
23 far away was the first victim that was shot?
24 When you shot him?

25 **INMATE MIJANGOS:** It must have been real
26 close to the (indiscernible).

27 **DEPUTY COMMISSIONER McBEAN:** Like one or

1 two feet away from you? It's right next to the
2 window on the driver's side?

3 INMATE MIJANGOS: Driver's side, yes.

4 DEPUTY COMMISSIONER McBEAN: Okay, so you
5 shot him at point blank, essentially.

6 INMATE MIJANGOS: (indiscernible).

7 DEPUTY COMMISSIONER McBEAN: And victim
8 number two, how far away was he, when you shot
9 him?

10 INMATE MIJANGOS: He was in front of the
11 car, like, maybe from here to a little further
12 than the wall.

13 DEPUTY COMMISSIONER McBEAN: Uh huh,
14 okay. But you say that you pointed at the gun
15 down at the floor?

16 INMATE MIJANGOS: Down.

17 DEPUTY COMMISSIONER McBEAN: Where on the
18 floor in the car? When you fired it.

19 INMATE MIJANGOS: To the front.

20 DEPUTY COMMISSIONER McBEAN: The front,
21 where? Like by your feet? On the passenger
22 side?

23 INMATE MIJANGOS: Well, I'm in the
24 driver's side.

25 DEPUTY COMMISSIONER McBEAN: Right.

26 INMATE MIJANGOS: Well, (indiscernible)
27 got my arm, I shot to the floor.

1 DEPUTY COMMISSIONER McBEAN: Oh, out of
2 the window.

3 DEPUTY DISTRICT ATTORNEY DELAVIGNE: To
4 the ground.

5 INMATE MIJANGOS: Yeah, out of the
6 window.

7 DEPUTY COMMISSIONER McBEAN: Oh, I see.
8 So were you aiming at the victim? Victim number
9 two when you shot him?

10 INMATE MIJANGOS: No.

11 DEPUTY COMMISSIONER McBEAN: But he was
12 in front of the car, you put your left arm out
13 the window --

14 INMATE MIJANGOS: (indiscernible).

15 DEPUTY COMMISSIONER McBEAN: -- and shot
16 in his direction.

17 INMATE MIJANGOS: It wasn't
18 (indiscernible) but outside to the driver's
19 side. Not in front on the middle.

20 DEPUTY COMMISSIONER McBEAN: Okay, so he
21 was basically in front of you as you stuck your
22 arm out the window and you pointed the gun in
23 his direction. You say you shot at the ground?

24 INMATE MIJANGOS: (indiscernible).

25 DEPUTY COMMISSIONER McBEAN: Was he right
26 in front of you then? Right in front of the
27 gun?

1 INMATE MIJANGOS: Kinda, he was in front.

2 DEPUTY COMMISSIONER McBEAN: Okay. So
3 you were actually intending to shot him.

4 INMATE MIJANGOS: I never point the gun
5 to him.

6 DEPUTY COMMISSIONER McBEAN: Uh huh, you
7 pointed it in his direction, kind of right in
8 line with him, but you're telling me you pointed
9 it down not up.

10 INMATE MIJANGOS: To the floor.

11 DEPUTY COMMISSIONER McBEAN: To the
12 ground.

13 INMATE MIJANGOS: Ground.

14 DEPUTY COMMISSIONER McBEAN: Okay. And
15 then when you shot him, did he fall down?

16 INMATE MIJANGOS: No.

17 DEPUTY COMMISSIONER McBEAN: What did he
18 do after you shot him?

19 INMATE MIJANGOS: Just he was standing
20 there.

21 DEPUTY COMMISSIONER McBEAN: Right, but
22 then what did he do after that?

23 INMATE MIJANGOS: Nothing.

24 DEPUTY COMMISSIONER McBEAN: He just
25 stood there, after you shot him.

26 INMATE MIJANGOS: Yeah.

27 DEPUTY COMMISSIONER McBEAN: And what did

1 you do?

2 INMATE MIJANGOS: Tried to get -- tell my
3 family to get into the cars and leave.

4 DEPUTY COMMISSIONER McBEAN: Okay.

5 INMATE MIJANGOS: And everybody got into
6 the cars and we left.

7 DEPUTY COMMISSIONER McBEAN: Hum, so he
8 just stood there?

9 INMATE MIJANGOS: Yes.

10 DEPUTY COMMISSIONER McBEAN: Did he have
11 a weapon?

12 INMATE MIJANGOS: I didn't see one.

13 DEPUTY COMMISSIONER McBEAN: Was he
14 moving towards you when you shot him?

15 INMATE MIJANGOS: (indiscernible) I don't
16 think so.

17 DEPUTY COMMISSIONER McBEAN: Had you ever
18 seen him before?

19 INMATE MIJANGOS: No.

20 DEPUTY COMMISSIONER McBEAN: Did you
21 believe he was a gang member?

22 INMATE MIJANGOS: Yes. Yeah,
23 (indiscernible).

24 DEPUTY COMMISSIONER McBEAN: So why did
25 you shoot the second victim?

26 INMATE MIJANGOS: I didn't have any
27 intention to shot him.

1 DEPUTY COMMISSIONER McBEAN: I'm sorry.

2 INMATE MIJANGOS: I never intend to shot

3 him. I never knew he was shot.

4 DEPUTY COMMISSIONER McBEAN: Okay, what
5 were you intending to do when you fired the shot
6 in his direction?

7 INMATE MIJANGOS: I never shot to his
8 direction. I shot to the ground. I was trying
9 to scare them off.

10 DEPUTY COMMISSIONER McBEAN: All right,
11 okay, thank you. No further questions.

12 PRESIDING COMMISSIONER FISHER: When you
13 were -- during your trial, did anybody come in
14 and explain how he got shot? If you were aiming
15 toward the ground, did the bullet ricochet and
16 hit him? How did you hit him if he was up here
17 and you were aiming here, how did he get shot?

18 INMATE MIJANGOS: Ah --

19 PRESIDING COMMISSIONER FISHER: You don't
20 know, okay. All right.

21 INMATE MIJANGOS: And I never -- nobody
22 said anything about how he got shot during
23 trial.

24 PRESIDING COMMISSIONER FISHER: Okay.
25 And you never wondered about that?

26 INMATE MIJANGOS: No.

27 PRESIDING COMMISSIONER FISHER: Okay.

1 That's all right. Do you have any questions?

2 DEPUTY DISTRICT ATTORNEY DELAVIGNE: Yes.

3 If the Panel would ask him if he is right or
4 left-handed?

5 PRESIDING COMMISSIONER FISHER: Are you
6 right or left-handed?

7 INMATE MIJANGOS: I'm right.

8 PRESIDING COMMISSIONER FISHER: Okay.

9 DEPUTY DISTRICT ATTORNEY DELAVIGNE: When
10 you fired the first -- when he fired the first
11 shot at the victim who died, did he shot with
12 his right-hand or his left-hand?

13 INMATE MIJANGOS: With my right-hand.

14 PRESIDING COMMISSIONER FISHER: Okay.

15 DEPUTY DISTRICT ATTORNEY DELAVIGNE: And
16 then when he shot the second victim, he has
17 indicated that he shot him with his left-hand.
18 Is that correct?

19 INMATE MIJANGOS: No.

20 PRESIDING COMMISSIONER FISHER: You used
21 your right-hand?

22 INMATE MIJANGOS: Yes.

23 PRESIDING COMMISSIONER FISHER: Okay, so
24 were you, just so we all get an illustration
25 here, if you were sitting in the driver's seat,
26 right, did you twist your body around and shot?

27 INMATE MIJANGOS: No (indiscernible).

1 PRESIDING COMMISSIONER FISHER: What did
2 you do?

3 INMATE MIJANGOS: When I shot to the
4 ground, I put one leg out of the door.

5 PRESIDING COMMISSIONER FISHER: Okay, so
6 your door was open. So you actually turned your
7 whole body around and shot like this.

8 INMATE MIJANGOS: Yes, I opened the door.

9 PRESIDING COMMISSIONER FISHER: Okay.

10 INMATE MIJANGOS: And had my leg out.

11 PRESIDING COMMISSIONER FISHER: All
12 right.

13 INMATE MIJANGOS: Out of the door.

14 PRESIDING COMMISSIONER FISHER: Okay.
15 Anything else?

16 DEPUTY DISTRICT ATTORNEY DELAVIGNE: I'm
17 trying to clarify it, because when was showing
18 how he shot the second shot --

19 PRESIDING COMMISSIONER FISHER: Uh huh.

20 DEPUTY DISTRICT ATTORNEY DELAVIGNE: --
21 he used his left-hand, showing that he shot
22 towards the ground.

23 PRESIDING COMMISSIONER FISHER: Right.

24 DEPUTY DISTRICT ATTORNEY DELAVIGNE:
25 That's what was confusing me.

26 PRESIDING COMMISSIONER FISHER: Okay.

27 DEPUTY DISTRICT ATTORNEY DELAVIGNE: But

1 that is not correct? If you would ask him?

2 PRESIDING COMMISSIONER FISHER: So what
3 you were doing is when we were asking you about
4 shooting, you were sticking your arm out like
5 this --

6 INMATE MIJANGOS: No, no.

7 PRESIDING COMMISSIONER FISHER: Okay, but
8 it was --

9 INMATE MIJANGOS: I never shot him with
10 the --

11 PRESIDING COMMISSIONER FISHER: Left-
12 hand.

13 INMATE MIJANGOS: -- left hand.
14 (indiscernible) right.

15 PRESIDING COMMISSIONER FISHER: All
16 right.

17 DEPUTY DISTRICT ATTORNEY DELAVIGNE: So
18 you just fired the two shot? Is that correct?

19 PRESIDING COMMISSIONER FISHER: Did you
20 just fire two shots?

21 INMATE MIJANGOS: I only think I fired
22 more than that.

23 PRESIDING COMMISSIONER FISHER: Okay, did
24 you -- how many --

25 INMATE MIJANGOS: Counting, counting with
26 the, one, let's see, about three or four, I
27 think.

1 PRESIDING COMMISSIONER FISHER: Okay.

2 DEPUTY DISTRICT ATTORNEY DELAVIGNE:

3 Referring to the Probation Report, on Page 3,
4 five rounds were, five shell casings were
5 recovered at the location. Could you have fired
6 all five shots?

7 INMATE MIJANGOS: If I could have fired?

8 PRESIDING COMMISSIONER FISHER: No --

9 DEPUTY DISTRICT ATTORNEY DELAVIGNE: Did
10 you fire five shots?

11 PRESIDING COMMISSIONER FISHER: Do you
12 think you fired five shots?

13 INMATE MIJANGOS: Yes.

14 DEPUTY DISTRICT ATTORNEY DELAVIGNE: And
15 where were the other shots fired? The other
16 additional three shots.

17 INMATE MIJANGOS: To the ground.

18 PRESIDING COMMISSIONER FISHER: Okay, and
19 was that at the same time that Mr. Chavez was
20 hit in the hip? That was --

21 INMATE MIJANGOS: That was about the same
22 time.

23 PRESIDING COMMISSIONER FISHER: Okay, so
24 you fired like boom, boom, boom, boom.

25 INMATE MIJANGOS: Yes.

26 PRESIDING COMMISSIONER FISHER: Okay.
27 Anything else Mr. Delavigne?

1 DEPUTY DISTRICT ATTORNEY DELAVIGNE: No,
2 thank you.

3 PRESIDING COMMISSIONER FISHER: All
4 right, Counsel.

5 ATTORNEY RUTLEDGE: No questions.

6 PRESIDING COMMISSIONER FISHER: Would you
7 like to close?

8 DEPUTY DISTRICT ATTORNEY DELAVIGNE: Yes..
9 A couple of things bother me. First of all, the
10 inmate started off today's Hearing by not
11 telling the truth to the Board when it came to
12 possession of the gun. He said he bought it at
13 a gun store and he had to wait five-days for him
14 to pick up the gun, which was fairly detailed
15 purchase set forth to the Board. And then he
16 said, "No it wasn't through a gun shop," he
17 bought it other than that. That bothered me.
18 And then when confronted on the pruno
19 possession, he was not truthful there. And I
20 feel that the Board Hearing is, hopefully, a
21 place where an inmate will finally face the
22 truth, tell the truth, and go on from there.
23 But I am going vigorously oppose his getting a
24 suitable Hearing today because of his inability,
25 I think, at this time, to face what the facts
26 were on the crime night, and continuing to not
27 be truthful to the Board. That bothers me very

1 much. Thank you.

2 PRESIDING COMMISSIONER FISHER: Okay,

3 Counsel.

4 ATTORNEY RUTLEDGE: Mr. Mijangos, I

5 think, when we began the Hearing and the Board

6 was questioning him about his previous situation

7 with his wife, he was very forthwith. And I

8 think, I'm not sure, before I get into that, I

9 wanted to also point out in the Sentencing

10 Transcript, the Judge that heard the Court

11 Trial, said that the, on Page 6, of the

12 Transcripts, says, "The testimony is un-

13 contradicted that the victim said the word gang

14 members. Whether it was true or not is not as

15 relevant as the fact that this statement was

16 made and the bottle was thrown at one of the

17 defendant's friends. And there is no mention of

18 any gang ties or anything in here. Also, the

19 defense attorney called into question the

20 Probation Report and asked that, it says, "But

21 to build this up into some premeditated vendetta

22 act as the Probation Officer has done, and I

23 realize that the Court feels there was

24 premeditation, which, however, I disagree with

25 that evaluation of this evidence." So anyway I

26 think he's calling into question the thing about

27 the vendetta. And the D.A. does not respond to

1 that, it goes un-rebutted by the People, they
2 just go into kind of the sentencing scheme. So
3 anyway I want to point that out. Mr. Mijangos
4 has no juvenile record prior to this incident.
5 He was married, had children, was a provider for
6 his family, his aunt, who cared for him. He's
7 displayed stable social history. As far as
8 remorse goes, in his psych report, it talks
9 about his, "The inmate expressed remorse for
10 killing someone who was unarmed and admits that
11 the amount of force used was excessive for the
12 situation, due to his own panic. He has also
13 expressed sincere regret and sorrow regarding
14 the victim's daughter, who had to grow-up
15 without her father." And I think that kind of
16 is the name of the game here, is that
17 Mr. Mijangos seems to have panicked. And also
18 in the sentencing, the Judge actually talks
19 about that and says, she found it to be second-
20 degree murder, but she talks about the fact that
21 there was, "I'm aware of the facts giving rise
22 to the defendant's entry on the scene that there
23 was a fray." So it does appear that there
24 wasn't necessarily malice but some type of panic
25 and overreaction to what appeared to be a
26 violent situation on his family. He doesn't
27 have anything prior to that that would show he

1 was a violent, or just the kind of person who
2 goes out looking to shoot people. I don't think
3 that's the case at all. He doesn't have any
4 criminal history. Since he's been in prison,
5 he's has some minor skirmishes but nothing
6 violent. He's only had one 115 and a few 128s.
7 He has realistic plans for parole. He has
8 maintained his family ties throughout the years.
9 He has a family of three. He has numerous
10 letters on file. He has secured employment. He
11 has a plan to do some parole in L.A. and then
12 move to be with his family. His institutional
13 behavior is good. He's been very handy while
14 he's been in here. He indicates to me that he
15 doesn't care about getting his certificates; he
16 just wants to make good use of his time and
17 learn. But he's received lots of certificates,
18 lots of chronos. He's participated in self-
19 help. I think he does, he shows himself to be
20 in the institution a productive person. And I
21 think that would be, if released, he would also
22 continue to be productive and support his family
23 as he did before he did this. So I would ask
24 that the Board find him suitable for parole.

25 **PRESIDING COMMISSIONER FISHER:** Thank
26 you. Is there anything that you would like to
27 add to what your attorney said on your behalf.

1 INMATE MIJANGOS: No.

2 PRESIDING COMMISSIONER FISHER: All

3 right, thank you. We're going to go ahead and
4 recess.

5 R E C E S S

6 --oOo--

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

CALIFORNIA BOARD OF PAROLE HEARINGS

D E C I S I O N

DEPUTY COMMISSIONER McBEAN: We're on record.

PRESIDING COMMISSIONER FISHER: All right, thank you. I want to note for the record that everyone who was previously in the room and identified themselves has returned to the room. Mr. Mijangos, the Panel has reviewed all information received from the public and relied on the following circumstances in concluding that you are not yet suitable for parole and would pose an unreasonable risk of danger to society or a threat to public safety if released from prison. I'm going to go ahead and read the decision into the record. I'm going to tell you this is another three-year denial. The first thing that we considered was the commitment offense. This was a situation where there were multiple victims. It is also a situation where there were a lot of other choices that could have been made. And I think we all still kind of left here with some questions today about how the second victim got shot and what was going on in the situation there. This was apparently a case where Mr. Mijangos and his family members were out for the evening. They came across the victims, who were brothers, who approached Mr. Mijangos' family

JAIME MIJANGOS E-81550 DECISION PAGE 1 9/13/05

1 members and one of his family members, at least one of
2 his family members, was assaulted. Ultimately what
3 happened was that Mr. Mijangos, who had a 9-milimeter
4 in his car, that was apparently loaded, used the gun
5 to shot the two victims rather than perhaps using it
6 to threaten them and get everybody out of the area,
7 which might have been a better choice, or rather than
8 to call the Police, which might have even been a
9 better choice. The bottom line is the motive for
10 murdering one person and shooting another one was
11 really trivial in relation to what was going on at the
12 time and completely not necessary. Mr. Mijangos, who
13 has represented himself as a victim in this case,
14 didn't act like a victim after the shooting, he acted
15 like somebody who felt guilty for something. And he
16 went home, he didn't call the police, he didn't try to
17 get assistance for the victims who had been shot. And
18 it was his wife who called the Police and ultimately
19 had him arrested for this crime. He does not have an
20 escalating pattern of criminal conduct. He has one
21 prior arrest, and that was corporal injury to a
22 spouse. That case didn't go forward because his wife
23 did not file a complaint. He seems to have a stable
24 social history. He's programmed in a somewhat limited
25 manner while he's been incarcerated. Although he has
26 upgraded vocationally, he has two vocations. He has
27 **JAIME MIJANGOS E-81550 DECISION PAGE 2 9/13/05**

1 had only one 115 disciplinary report while he's been
2 incarcerated for this offense. And that was for
3 possession of inmate alcohol and that was back in '92.
4 He's had four 128A Counseling chronos, the last one
5 was back in '98. The psychological evaluation is
6 dated 4/16/01, it's authored by Dr. Gamard, and it
7 really is largely supportive. It says, "That he would
8 pose a less than average risk for violence when
9 compared to the Level II inmate population. And that
10 his violence potential if released to the community is
11 no higher than the average citizen." The Hearing
12 Panel notes that in response to 3042 Notices that the
13 District Attorney of Los Angeles County as well as the
14 Los Angeles Police Department both indicated
15 opposition to a finding of suitability at this time.
16 We want to commend Mr. Mijangos for the work that he's
17 been doing. He has, let's see here, he started in
18 2003, participating in AA. He participated in
19 Maricanan Life Skills. And as I noted earlier, he has
20 completed two vocations. However, currently the
21 positive aspects of his behavior do not out weigh the
22 factors of unsuitability. In a separate decision, the
23 Hearing Panel finds the prisoner has been convicted of
24 murder, and it is not reasonable to expect parole
25 would be granted at a Hearing during the following
26 three years. The specific reasons for this finding
27 **JAIME MIJANGOS E-81550 DECISION PAGE 3 9/13/05**

1 are as follows: First of all, the offense. Once
2 again, there were two victims here. Mr. Mijangos was
3 armed, and for some reason, at the scene he choice
4 violence as his solution to the situation that was
5 going on at the time, which apparently was some kind
6 of an altercation between members of his family and
7 the two victims. And having, according to what we
8 heard today, done this murder because he felt that
9 somehow he was under attack and had to defend himself
10 and his family members, which would certainly, I would
11 think, characterize oneself as a victim, he left the
12 scene. His wife locked up the gun, in a lockbox. He
13 didn't call the Police, he didn't call for help, and
14 as a result one of the victims, who was shot, died.
15 And he waited until his wife called the Police and he
16 was arrested before he made any kind of contact with
17 law enforcement about this situation. The bottom line
18 is this, Mr. Mijangos, you lied to us today about
19 really little trivial things. That really gave us
20 pause. You mischaracterized how you got the gun and
21 where it came from and whether it was legal or not
22 when I asked you about why you didn't call the police.
23 You were incredibly evasive when Commissioner McBean
24 was asking you about the inmate-manufactured alcohol.
25 I mean, we gave you multiple opportunities to just
26 come clean on the little stuff today, and you didn't
27 **JAIME MIJANGOS E-81550 DECISION PAGE 4 9/13/05**

1 want to do that. The situation of putting your arm
2 outside the car and shooting at the ground and somehow
3 this guy miraculously gets shot in the hip. You had
4 no explanation for that. And when I asked you if you
5 weren't curious about, if this was an accident and you
6 were shooting at the ground, how this guy got shot,
7 you didn't seem to really be interested. You know,
8 there's nothing about your presentation today that
9 came across as straightforward, insightful, or
10 remorseful. And those are the issues that we need to
11 see you deal with in the next three years. I would
12 suggest to you that because of the inmate-manufactured
13 alcohol, because of the fact that your file indicates
14 that you dabbled some in smoking marijuana at some
15 point in your history, that you should stay in
16 something like AA for the rest of the time that you
17 are in prison. Because once the Panel gives you a
18 date, the Governor's Office is going to review your
19 file, and I can tell you from experience, that they
20 are going to want you to be in substance abuse
21 programming for a long time, before they're going to
22 be comfortable with you. The other thing that I would
23 suggest to you is that you do some work in the areas
24 of anger management and victim impact. If you can't
25 do it through the institution, then do it on your own,
26 you know, just get some books and work on it yourself.

27 JAIME MIJANGOS E-81550 DECISION PAGE 5 9/13/05

1 But, you know, I just do not understand why you would
2 split hairs like that with us today on issues that
3 were seemingly unimportant. And I think that it would
4 be beneficial for you to sit down and do an Olson
5 Review before your next Hearing. And if you come in
6 here to talk to the Panel, come in prepared just to
7 say what everything is. Just be as straightforward as
8 you can. Because it doesn't do you any good to come
9 in here and appear like you are trying to hide things
10 from us. It just makes us real uncomfortable. That
11 completes the reading of the decision. Do you have
12 any comments?

13 **DEPUTY COMMISSIONER McBEAN:** I just agree with
14 everything that Commissioner Fisher has said. And I
15 think that you have some work to do and I just hope
16 that you will take the opportunity during the next
17 three years to really get to work on it. Good luck to
18 you.

19 **PRESIDING COMMISSIONER FISHER:** Thank you.

20 oOo--

21

22

23 **PAROLE DENIED THREE YEARS**

JAN 11

24 **THIS DECISION WILL BE FINAL ON:** _____

25 **YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT**
26 **DATE, THE DECISION IS MODIFIED.**


27 **JAIME MIJANGOS E-81550 DECISION PAGE 6 9/13/05**

CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, JUDY K. FARNCOMB, a duly designated transcriber, PETERS SHORTHAND REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total One in number and cover a total of pages numbered 1 - 69, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING OF JAIME MIJANGOS, CDC NO. E-81550, on SEPTEMBER 13, 2005, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated September 27, 2005, at Sacramento,
California.


JUDY K. FARNCOMB
TRANSCRIBER
PETERS SHORTHAND REPORTING